



Barry Magen of Kline & Specter. Courtesy photo

NEWS

## Jefferson Doctor Hit With \$6.8M Verdict Over Death of 64-Year-Old Cancer Patient

The plaintiffs alleged that during an operation to treat the decedent's liver cancer, one of the heated needle probes used in the procedure moved out of place and perforated her stomach.

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## What You Need to Know

- A Philadelphia jury awarded \$6.8 million to the estate of a 64-year-old cancer patient who died from an allegedly botched liver ablation.
- The plaintiffs claimed a Jefferson Hospital doctor pierced the patient's stomach with a probe used in the procedure.
- The defense had contented the decedent's age and health conditions had impacted her surgical outcome.

A Philadelphia jury awarded \$6.8 million to the estate of a 64-year-old cancer patient who died from an allegedly botched liver procedure.

The jury found on Nov. 22 that the patient's death was a result of negligence from the Thomas Jefferson University Hospital physician who had performed the operation.

And that's despite arguments from the defense that decedent Thelma Stanton suffered from significant prior medical issues that impacted her surgical outcome and would have reduced her life expectancy.

According to pretrial documents, Stanton had a history of health problems, including liver cancer, Hepatitis C and hypertension. The procedure that allegedly caused her death—a liver ablation—had been to treat her cancer as she awaited a liver transplant for which she had been approved.

The case, captioned *Haslett v. Anton*, was tried before Judge Angelo Foglietta of the Philadelphia Court of Common Pleas.

Kline & Specter partner Barry Magen, who represented Stanton's estate alongside co-counsel Jack O'Neill, said the plaintiffs sought to demonstrate that those health issues would have cleared up had Stanton survived to receive the transplant.

"It was important to help the jury to understand that these were treatable conditions and that she was undergoing this liver ablation procedure so she could ultimately have a liver transplant, and if she had received the liver transplant, it would have cured all those liver-related problems," Magen contented.

The plaintiffs alleged that during Stanton's ablation at Jefferson Hospital, one of the heated needle probes used in the procedure moved out of place and perforated her stomach.

The plaintiffs claimed the physician performing the operation, Dr. Kevin Anton, knew the probe had migrated, which put Stanton at risk for a perforation. Nonetheless, the plaintiffs claimed, Anton discharged Stanton the same day of the operation without further evaluating her or informing her family about what had happened during the procedure.

The plaintiffs asserted that Stanton continued to experience significant pain but struggled to get in touch with Anton in the week following her ablation. Nine days after the operation, the plaintiffs said, Stanton reported to Jefferson's emergency department, where she was found to be septic and to have a thermal injury on the opening between her stomach and small intestine.

Stanton's condition continued to deteriorate while she was in the hospital, and she was later diagnosed with pneumonia, the pretrial memos said. She died about a month into her hospitalization.

The defendants, represented by O'Brien & Ryan, acknowledged that Anton knew the probe had moved during the ablation, but they contended that the doctor had adjusted appropriately. They asserted that Stanton had met all of the criteria for discharge when she was sent home.

"Despite the time in which Dr. Anton provided care for Ms. Stanton, defendants fully complied with the standard of care and did not cause or contributed to plaintiff's claimed injuries [sic]," the defendants claimed in their pretrial memo.

O'Brien & Ryan partner Marshall Schwartz did not respond to requests for comment.

Magen said the defendants did not dispute that Stanton had sustained a puncture and burn on her stomach, but "they had no good explanation of why that happened other than improper placements." Meanwhile, Magen said, the plaintiffs used CT scan images to show that the injuries occurred during the operation.

The jury awarded Stanton's estate \$3.3 million in wrongful death damages and \$3.8 million in survival damages.

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